

COUNTY OF ULSTER

ULSTER COUNTY AREA TRANSPORTATION

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Ulster County Charter Policy

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As of April 30, 2008, the FTA issued new charter regulations. An important change is that Ulster County is prohibited from using FTA-funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. The County is allowed to operate certain community based charter services excepted under the regulation (604.5).

The regulations define charter service as follows:

1. Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price. The following features may be characteristics of charter service:
 - a. A third party pays a negotiated price for the group;
 - b. Any fares charged to individual member of the group are collected by a third party;
 - c. The service is not part of the regularly scheduled service, or is offered for a limited period of time; or
 - d. A third party determines the origin and destination of the trip as well as scheduling.
2. Transportation provided to the public for events or functions that occur on an irregular basis or for a limited duration and:
 - a. A premium fare is charged that is greater than the usual or customary fixed route fare; or
 - b. The service is paid for in whole or in part by a third party.

Examples of irregular or limited duration services that Ulster is allowed to operate under the regulation are as follows:

- Service that is irregular or on a limited basis for an exclusive group of individuals and provides the service free of charge when a third party requests service. When the County initiates service it is allowed so long as we do not charge a premium fare for the service or there is no third party paying for the service in whole or in part. *This may also include the County paying for the service out of another fund.*
- Shuttle service for a one-time event if the service is open to the public; the itinerary is determined by the grantee; the County charges its customary fixed route fare; and there is no third party involvement.
- When a university pays a fixed charge to allow all faculty, staff, and students to ride the transit system for free. So long as the County provides the service on a regular basis, along a fixed route, and the service is not exclusive to the public.

- When the County sees a need and wants to provide service for a limited duration at the customary fixed route fare.

The charter service regulations provide for the following six exemptions:

1. Transportation of Employees, Contractors and Government Officials: Grantees are allowed to transport its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, to or from transit facilities or projects within its geographic service area or proposed geographic service area for the purpose of conducting oversight functions such as inspection, evaluation, or review,
2. Private Charter Operators: Private charter operators that receive, directly or indirectly, Federal financial assistance under section 3038 of TEA 21, as amended, or to non-FTA funded activities of private charter operators that receive, directly or indirectly, FTA financial assistance under any of the programs: Sections 5307, 5309, 5310, 5311, 5316, or 5317.
3. Emergency Preparedness Planning and Operation: Grantees are allowed to transport its employees, other transit system employees, transit management officials, transit contractors and bidders, government officials and their contractors and official guests, for emergency preparedness planning and operations.
4. Recipients of Funds Under Sections 5310, 5311, 5316 and 5317: Grantees that use Federal financial assistance from FTA, *for program purposes "disabled, elderly or low-income" only*, under Section 5310, 5311, 5316, or 5317.
5. Emergency Response: Grantees are allowed to provide service, up to 45 days, for actions directly responding to an emergency declared by the President, governor, or mayor or in an emergency requiring immediate action prior to a formal declaration.
6. Recipients in Non-Urbanized Areas: Grantees in non-urbanized areas for transporting its employees, other transit system employees, transit management officials, and transit contractors and bidders to or from transit training outside its geographic service area.

Ulster County is allowed to operate community-based charter services under the following **exceptions**.

1. Government Officials: Ulster is allowed to provide charter service (up to 80 service hours annually) to government officials (Federal, state and local) for official government business if no revenue is generated and in the grantees geographic service area
2. Qualified Human Service Organization (QHSEO): Ulster County is allowed to provide charter service to a QHSEO for the purpose of serving persons:
 - a. With mobility limitations related to advanced age;
 - b. With disabilities; or
 - c. With low income.
3. Leasing of Equipment and Driver: Ulster County is allowed to lease its FTA-funded equipment and drivers to registered charter providers for charter service only if the following conditions exist:
 - a. The private charter operator is registered on the FTA charter registration Web site;

- b. The registered charter provider owns and operates buses or vans in a charter service business;
 - c. The registered charter provider received a request for charter service that exceeds its available capacity either of the number of vehicles operated or the number of accessible vehicles operated by the registered charter provider; and
 - d. The registered charter provider has exhausted all of the available vehicles of all registered charter providers in the grantee's geographic service area.
- 4. No response by Registered Charter Provider: Ulster County is allowed to provide charter service, on its own initiative or at the request of a third party, if no registered charter provider expresses an interest in the service:
 - a. Within 72 hours for charter service requested to be provided in less than 30 days; or
 - b. Within 14 calendar days for charter service requested to be provided in 30 days or more.
- 5. Agreement with All Registered Charter Providers: Ulster County is allowed to provide charter service directly to a customer consistent with an agreement entered into with all registered charter providers in the grantee's service area. The grantee is allowed to provide charter service up to 90 days without an agreement with the newly registered charter provider in the geographic service area subsequent to the execution of the initial agreement. Any parties to an agreement may cancel the agreement after providing a 90-day notice to the grantee.
- 6. Petition to the FTA Administrator: Ulster County may petition the County Executive for an exception to the charter service regulations to provide charter service directly to a customer for:
 - a. Events of regional or national significance;
 - b. Hardship (only for non-urbanized areas under 50,000 in population or small urbanized areas under 200,000 in population); or
 - c. Unique and time sensitive events (e.g., funerals of local, regional or national significance) that are in the public's interest.